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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,740	11/20/2001	Pekka Juhana Pihlaja	04770.00028	8949
22907	7590	02/26/2004	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			TRAN, HENRY N	
			ART UNIT	PAPER NUMBER
			2674	(S)
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/988,740	PIHLAJA, PEKKA JUHANA
Examiner	Art Unit	
HENRY N TRAN	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 November 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 43 is/are allowed.
- 6) Claim(s) 1-10, 18, 22-34, 36-42, 44-46, 48-51 and 53-56 is/are rejected.
- 7) Claim(s) 11-17, 19-21, 35, 47 and 52 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

This Application has been examined. The original claims 1-56 are pending. The examination results are as following.

### ***Information Disclosure Statement***

1. The examiner has considered the information disclosure statement (IDS) received 12/19/01 (Paper No. 4) (see the attached form PTO-1449).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-10, 22-24, 28-31, 45, 46, 48, 51 and 53-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Armstrong et al (U.S. Patent No. 5,729,219, hereinafter referred to as “Armstrong”).

4. Regarding claims 1, 28 and 45, Armstrong teaches an apparatus and methods for operating a portable electronic call radio 10, comprising: a display screen 18 on the front face 14; a first, second, and third linear input devices, 24, 34 and 54, arranged on a first side 11, right side 13, and bottom side 15 of the screen 18; a planar input device 22 on the back face 16, see figures 1-4; and control logic (a controller) for detecting movement of a pointer 26 over the input

devices for manipulating content or generating an image presented on the screen, see col. 3, lines 8-44.

5. Regarding claims 2-4, 7-10, 22-24, 29-31, 46, 48, 51 and 53-55, Armstrong also teaches the display screen 18 and the planar input device 22 cover the same amount of space on the front surface 14, and the back surface 16 of the device, see figures 3 and 4, col. 4, lines 5-9; the first, second, and third linear input devices, 24, 34 and 54, comprises selectable icons, which are touch sensitive, which are substantially perpendicular to each other on the front face 14 of the portable device; icons are selected via one of the linear input devices; and the selected icon is highlighted on the display screen using the detected coordinates of the crosshair pointer 26 (X), see col. 3, line 53 to col. 4, line 4, line 49 to col. 5, line10. Claims 2-4, 7-10, 22-24, 29-31, 46, 48, 51 and 53-55 are dependent upon base claims 1, 28 and 45, and are rejected on the same reasons set forth in claims 1 and 45, and by the reasons noted above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 18, 25-27, 32-34, 36-39, 40-42, 44, 49, 50 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable Armstrong in view of Kung et al (U.S. Patent No. 6,570,583, hereinafter referred to as "Kung") .

Art Unit: 2674

Armstrong et al teach generally all, including the suggestion of using an audible feature, see, col. 2, line 55-57, except for the input devices affixed on the side faces, the microphone with holes housed within a case, the optical sensor, the steps of altering the size, or panning the content displayed on the screen. Kung teaches an apparatus and method for operating a handheld electronic device, which is a mobile telephone 30, comprising the input devices, 41, 43, 45, 47, and 48 affixed on the front face 40 (input panel 40), the microphone with holes housed within a case, the steps of zooming or panning the contents of the images. Official notice is taken for the claimed limitation “an optical sensor”, because touch sensitive device using an optical sensor in the place of resistive, capacitive, etc... sensor is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Kung in the Armstrong device for producing the claimed invention, because this would provide an improved portable electronic device capable of enhancing the functionality of the device, and also improving GUI between operator and the device. Claims 5, 6, 18, 25-27, 32-34, 36-39, 40-42, 44, 49, 50 and 56 are therefore rejected on the same reasons set forth in claims 1-4, 7-10, 22-24, 28-31, 45, 46, 48, 51 and 53-55, and by the rationale discussed above.

***Allowable Subject Matter***

8. Claim 43 is allowed.
9. Claims 11, 12-17, 19-21, 35, 47 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are U.S. Patent Nos. 6184864, 5949408, 5742476, 6104334, 6359615, and 6484011, which teach portable electronic devices and method for providing GUI.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY N. TRAN whose telephone number is 703-308-8410. The examiner can normally be reached on Mon – Fri from 8:00AM – 4:30PM.

If attempts to read the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A. HJERPE, can be reached at 703-305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or fax to:**

703-872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Application/Control Number: 09/988,740  
Art Unit: 2674

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

*Henry N. Tran*

HENRY N. TRAN  
Examiner  
Art Unit 2674

Hnt  
February 23, 2004